

KEVIN G. HORBATIUK (KGH-4977)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**  
-----X

**21 MC 102 (AKH)**

**MARTHA ATEHORTUA,**

**DOCKET NO.:  
08 CV 2565**

**Plaintiff,**

**-against-**

**100 CHURCH, LLC, 90 CHURCH STREET  
LIMITED PARTNERSHIP, ALAN KASMAN  
DBA KASCO, AMBIENT GROUP, INC., ANN  
TAYLOR STORES CORPORATION, BATTERY  
PARK CITY AUTHORITY, BELFOR USA GROUP,  
INC. BLACKMON-MOORING STEAMATIC  
CATASTOPHE, INC., d/b/a BMS CAT, BOARD  
OF EDUCATION OF THE CITY OF NEW YORK,  
BOARD OF MANAGERS OF THE HUDSON  
VIEW EAST CONDOMINIUM, BOSTON PROPERTIES,  
INC., BROOKFIELD FINANCIAL PROPERTIES, INC.,  
BROOKFIELD FINANCIAL PROPERTIES, L.P.,  
BROOKFIELD PARTNERS, LP., BROOKFIELD  
PROPERTIES CORPORATION, BROOKFIELD  
PROPERTIES HOLDINGS, INC., CUNNINGHAM  
DUCT CLEANING CO., INC., DEPARTMENT OF  
BUSINESS SERVICES, ENVIROTECH CLEAN  
AIR, INC., GPS ENVIRONMENTAL CONSULTANTS,  
INC., HILLMAN ENVIRONMENTAL GROUP, LLC  
HUDSON VIEW WEST CONDOMINIUM, HUDSON  
VIEW TOWER ASSOCIATES, INDOOR  
ENVIRONMENTAL TECHNOLOGY, INC.,  
JACK RESNICK & SONS, INC., KASCO  
RESTORATION SERVICES, CO., LAW**

**NOTICE OF  
ADOPTION OF  
ANSWER TO MASTER  
COMPLAINT**

**ENGINEERING P.C., MERRILL LYNCH & CO., INC.,  
NEW YORK CITY SCHOOL CONSTRUCTION  
AUTHORITY, NOMURA HOLDINGS AMERICA,  
INC., NOMURA SECURITIES INTERNATIONAL  
INC., R Y MANAGEMENT CO., INC., RESNICK  
75 PARK PLACE LLC., ROYAL AND SUNALLIANCE  
INSURANCE GROUP, PLC RY MANAGEMENT,  
STRUCTURE TONE (UK), INC., STRUCTURE  
TONE GLOBAL SERVICES, INC., TOSCORP,  
INC., TRC ENGINEERS, INC., TRIBECA  
LANDING LLC TUCKER ANTHONY, INC.,  
VERIZON NEW YORK, INC., WESTON  
SOLUTIONS, INC., WFP TOWER A CO.,  
WFP TOWER A CO. G.P. CORP., WFP TOWER  
A CO., LP., WFP TOWER B CO., G.P.,  
CORP., WFP TOWER B HOLDING CO., L.P.,  
WFP TOWER B CO., L.P., WFP TOWER D CO.,  
G.P., CORP., WFP TOWER D HOLDING CO. I  
L.P., WFP TOWER D HOLDING CO., II L.P.,  
WFP TOWER D HOLDING I. G.P., CORP.,  
WFP TOWER D. CO., L.P., and  
ZAR REALTY MANAGEMENT CORP., ET AL.**

**Defendants.**

-----X

**PLEASE TAKE NOTICE**, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, **RUSSO, KEANE & TONER, LLP**, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, **CUNNINGHAM** demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other

and further relief as this Court deems just and proper.

Dated: New York, New York  
April 30, 2008

Kevin G. Horbatiuk  
Kevin G. Horbatiuk (KGH4977)  
Matthew P. Mazzola (MM-7427)  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO.,**  
**INC.**  
RUSSO, KEANE & TONER, LLP  
26 Broadway, 28th Floor  
New York, New York 10004  
(212) 482-0001  
RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**MARTHA ATEHORTUA**  
115 Broadway - 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 30<sup>th</sup> day of April, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**MARTHA ATEHORTUA**  
115 Broadway 12th Floor  
New York, New York 10006

A handwritten signature in black ink, reading "Kevin G. Horbatiuk", written in a cursive style.

---

KEVIN G. HORBATIUK